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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ELAINE L. CHAO, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

NEW JERSEY LICENSED BEVERAGE
ASSOCIATION, INC.; MELVIN GITLER;
ROBERT SCERBO; PHIL CITTA; WILLIAM
CLEARY; ROBERT MARCIANI; JOSEPH
ARDIRE; RICHARD BELLSHOT; JAMES
HILL; MICHAEL MARSH; LEWIS
ROTHBART; FRANK ZANOTTI; ANN
SMULEWICZ; RANDY NORMAND; MARY
ROENICK aka MARY RAHMIG;
STEPHAN DI TOMASSO;
MIDLANTIC HEALTHCARE, INC.;
NEW JERSEY LICENSED BEVERAGE
ASSOCIATION EMPLOYEE WELFARE
BENEFIT PLAN,

Defendants.

Civil Action File

No. 04-5692 (JAP)

**NOTICE OF
MOTION TO APPROVE
CONSENT JUDGMENTS
AND RULE 67 ORDERS AND
APPOINT INDEPENDENT
FIDUCIARY**

 NEW JERSEY LICENSED BEVERAGE :
 ASSOCIATION, INC.; NEW JERSEY :
 LICENSED BEVERAGE ASSOCIATION :
 EMPLOYEE BENEFIT PLAN; MELVIN :
 GITLER; ROBERT SCERBO; PHIL CITTA; :
 WILLIAM CLEARY; ROBERT MARCIANI; :
 JOSEPH ARDIRE; RICHARD BELLSHOT; :
 JAMES HILL; MICHAEL MARSH; LEWIS :
 ROTHBART; FRANK ZANOTTI; ANN :
 SMULEWICZ; RANDY NORMAND; :
 MARY ROENICK aka MARY RAHMIG, :

Third-Party Plaintiffs, :

v. :

RECREATIONAL COVERAGE :
 ASSOCIATION, INC.; RECREATIONAL :
 COVERAGE ASSOCIATION OF NEW :
 JERSEY, INC.; HORIZON HEALTHCARE :
 SYSTEMS; NATIONAL BENEFITS :
 ADMINISTRATORS; INTERNATIONAL :
 RISK CONSULTANTS; IMMS/STARLINE :
 GROUP, :

Third-Party Defendants. :

 STEPHAN DI TOMASSO; MIDLANTIC :
 HEALTHCARE, INC., :

Third-Party Plaintiffs, :

v. :

HORIZON HEALTHCARE SYSEMS; :
 NATIONAL BENEFITS ADMINISTRATORS; :
 INTERNATIONAL RISK CONSULTANTS; :
 IMMS/STARLINE GROUP; XYZ CORPS :
 1-10 (said names being fictitious); and :
 JOHN DOES 1-10 (said names being fictitious) :

Third-Party Defendants. :

PLEASE TAKE NOTICE that the Plaintiff, Elaine L. Chao, the Secretary of Labor, United States Department of Labor (“the Secretary”) shall move for the following relief before this Court at 10 A.M., Monday, February 5, 2007:


1. Approval of the Proposed Consent Judgment as to Defendants Midlantic Healthcare, Inc., and Stephan DiTomaso;
2. Approval of the Proposed Consent Judgment as to Defendants New Jersey Licensed Beverage Association, Inc., Melvin Gitler, Robert Scerbo, Robert Marciani, Joseph Ardire, Richard Bellshot, James Hill, Michael Marsh, Lewis Rothbart, Frank Zanotti, Ann Smulewicz, and Mary Roenick a/k/a Mary Rahmig, and the New Jersey Licensed Beverage Association Employee Welfare Benefit Plan;
3. Approval of a Deposit Order Pursuant to F.R.Civ.P. 67 as to Defendant Midlantic Healthcare, Inc;
4. Approval of a Deposit Order Pursuant to F.R.Civ.P. 67 as to Defendants New Jersey Licensed Beverage Association, Inc., Melvin Gitler, Robert Scerbo, Robert Marciani, Joseph Ardire, Richard Bellshot, James Hill, Michael Marsh, Lewis Rothbart, Frank Zanotti, Ann Smulewicz, and Mary Roenick a/k/a Mary Rahmig; and,

5. Approval of an Order Appointing an Independent Fiduciary for the Defendant New Jersey Licensed Beverage Association Employee Benefit Plan.

Dated: January 19, 2007
New York, New York

Respectfully Submitted,

HOWARD M. RADZELY
Solicitor of Labor

BY: 
PATRICIA M. RODENHAUSEN
Regional Solicitor

LOUIS DeBERNARDO
Senior Trial Attorney

POST OFFICE ADDRESS:

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